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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91185393
Party	Defendant Vudu, Inc.
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Submission	Stipulated/Consent Motion to Extend
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Date	02/16/2010
Attachments	Joint Discovery Motion.100216.pdf (4 pages)(20486 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 77112745 for the mark VUDU, filed on February 21, 2007, and published in the Official Gazette on March 25, 2008.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.

Opposer,

v.

VUDU, INC.,

Applicant.

Opposition No. 91185393

**JOINT MOTION FOR EXTENSION OF
DISCOVERY AND TRIAL PERIODS
AND STIPULATION RE: DISCOVERY**

Opposer Hewlett-Packard Development Company, L.P. (“HP”) and Applicant Vudu, Inc. (“Vudu”) hereby jointly request that the Board extend the remaining discovery and trial periods in this opposition proceeding. Following the Board’s disposition of HP’s Motion for Summary Judgment, the parties have engaged in settlement discussions. However, the parties have been unable to reach settlement at this point, and the proceeding must therefore resume. Because the parties have only propounded a first wave of written discovery, which remained unanswered when proceedings were suspended by motion practice and which would benefit from revision in light of the Board’s partial summary judgment determination, additional time to complete discovery is required. Accordingly, HP and Vudu respectfully request that the Board reset the discovery and trial periods as follows:

- Expert Disclosure Due : 06/14/2010
- Discovery Closes : 07/14/2010
- Plaintiff's Pretrial Disclosures : 08/28/2010
- Plaintiff's 30-day Trial Period Ends : 10/12/2010
- Defendant's Pretrial Disclosures : 10/27/2010
- Defendant's 30-day Trial Period Ends : 12/11/2010
- Plaintiff's Rebuttal Disclosures : 12/26/2010
- Plaintiff's 15-day Rebuttal Period Ends : 01/25/2011

Further, if the Board resets the proceeding deadlines to those requested above, the parties hereby stipulate to the following discovery deadlines. Both parties shall serve revised initial written discovery on or before March 1, 2010. HP shall respond to Vudu's discovery on or before April 1, 2010. Vudu shall respond to HP's discovery on or before April 12, 2010. Thereafter, the parties shall produce documents according to a mutually agreeable schedule, provided that Vudu's document production shall occur one week after HP's document production..

Dated: February 13, 2010

Respectfully submitted,

HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN

By: /Martin R. Glick/

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Dated: February 16, 2010

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Attorneys for Applicant Vudu, Inc.

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the attached **JOINT MOTION FOR EXTENSION OF DISCOVERY AND TRIAL PERIODS AND STIPULATION RE: DISCOVERY** dated February 16, 2010 (Opposition No. 91185393), was served on Opposer by mailing a copy thereof via first-class mail, postage prepaid, addressed to Martin R. Glick, Esq., Howard Rice Nemerovski Canady Falk & Rabkin, Three Embarcadero Center, 7th Floor, San Francisco, CA 94111-4024 on February 16, 2010.

/Cynthia Lee/

Cynthia Lee

CERTIFICATE OF TRANSMISSION

I hereby certify that a true and correct copy of the attached **JOINT MOTION FOR EXTENSION OF DISCOVERY AND TRIAL PERIODS AND STIPULATION RE: DISCOVERY**, dated February 16, 2010 (Opposition No. 91185393), is being electronically transmitted to the Trademark Trial and Appeal Board on February 16, 2010.

/D. Peter Harvey/

D. Peter Harvey